



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
OFFICE OF INSPECTOR GENERAL**

TWO POTOMAC YARD  
2733 SOUTH CRYSTAL DRIVE  
ARLINGTON, VA 22202

**DATE:** February 7, 2011

**PREPARED BY:** SA (b) (6), (b) (7)(C)

**COMPLAINT #:** COMP-2011-53

**CROSS REFERENCE #:**

**TITLE:** UNKNOWN SUBJECT: POTENTIAL UNAUTHORIZED DISCLOSURE OF CBI

**COMPLAINT SUMMARY REPORT**

Subject(s)	Location	Other Data
UNKNOWN SUBJECT	Two Potomac Yard 2733 South Crystal Drive Arlington, VA 22202	

**COMPLAINT:**

On December 29, 2010, (b) (6), (b) (7)(C) Environmental Protection Agency (EPA), 1300 Pennsylvania Ave NW, Washington DC, 20004, (b) (6), (b) (7)(C) notified this office via email of a possible unauthorized disclosure of Confidential Business Information (CBI).

**BACKGROUND:** N/A

**INVESTIGATIVE FINDINGS:**

On January 20, 2011, Special Agent (SA) (b) (6), (b) (7)(C) interviewed (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) was concerned that the missing Blanket Purchase Agreement (BPA) files might contain direct or indirect labor rates belonging to Syracuse Research Corporation Inc. (SRC). According to (b) (6), (b) (7)(C), if labor rates existed in the files, a contractor could use them to underbid SRC, the current contractor, for a BPA bid scheduled later in the month. The bid solicitation was scheduled to go out Friday, January 21, 2011, or Monday, January 24, 2011. The missing files consisted of preliminary notes and work up information. However, no proposal information or evaluation comments were in the files. (b) (6), (b) (7)(C) identified (b) (6), (b) (7)(C) EPA,

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Page 1

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Arlington VA as the individual who maintained the files at the Potomac Yard office. (b) (6), (b) (7) spoke with EPA security at Potomac Yard and security reviewed video footage taken on the evening of December 14, 2010 and the morning of December 15, 2010, to see whether there was anyone leaving with any boxes or large bags that might contain the files. Nothing out of the ordinary was noted. (b) (6), (b) (7) had not officially notified the contractor about the possible release of CBI but was going to draft a letter soon. (b) (6), (b) (7) stated (b) (6), (b) (7) has spoken with the contractor off and on and has informed them of the issue.

On January 25, 2011, SA (b) (6), (b) (7)(C) interviewed (b) (6), (b) (7)(C) who recalled moving two stacks of files from (b) (6), (b) (7)(C) desk, located in room (b) (6), (b) (7)(C) to a file drawer sometime in the beginning of December. Between moving the files and December 14, 2010, (b) (6), (b) (7)(C) went into the drawer once to retrieve a file containing step-by-step instructions for a certain process. (b) (6), (b) (7)(C) subsequently returned the file. On December 14, 2010, (b) (6), (b) (7)(C) left work late in the evening and returned the next morning around 10:00 am. (b) (6), (b) (7)(C) noticed the file drawer slightly ajar and looking in (b) (6), (b) (7)(C) noted the drawer to be empty. According to (b) (6), (b) (7)(C), the files were working files (b) (6), (b) (7)(C) used to keep (b) (6), (b) (7)(C) organized. Once the official files were completed then the working files are no longer needed. No official files are missing. (b) (6), (b) (7)(C) did not believe the files contained any CBI but (b) (6), (b) (7)(C) was not 100% certain. (b) (6), (b) (7)(C) further believed the files were not stolen, rather someone in the office may have mistakenly moved or filed them. (b) (6), (b) (7)(C) has multiple contacts with SRC during the month. One of those contacts was a conference call on December 21, 2010 where (b) (6), (b) (7)(C) informed (b) (6), (b) (7)(C) about the possible theft of CBI. (b) (6), (b) (7)(C) stated both (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) did not seem to be concerned. (b) (6), (b) (7)(C) did not believe the documents would help any competitor for the new BPA since the only way any competitor would know about the new BPA is if a contracting officer notified them that they were on the source list. At the time of the incident, the new BPA was being put together and Cincinnati had yet to send out any solicitation.

## RECOMMENDATION:

Based on the investigative findings, the Complaint was determined to be unsubstantiated. The Agency and OI were unable to verify the existence of CBI in the missing files and were unable to ascertain whether the files were actually stolen or simply filed. Therefore, this Complaint will be closed at this time. If additional information is provided that substantiates the Complaint, an Investigation will be opened at that time.



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
OFFICE OF INSPECTOR GENERAL**

TWO POTOMAC YARD  
2733 SOUTH CRYSTAL DRIVE  
ARLINGTON, VA 22202

**DATE:** March 30, 2012

**PREPARED BY:** SA (b) (6), (b) (7)(C)

**COMPLAINT #:** COMP 2012-112

**CROSS REFERENCE #:**

**TITLE:** UNKNOWN SUBJECT: BREACH OF CLASSIFIED INFORMATION

**COMPLAINT SUMMARY REPORT**

Subject(s)	Location	Other Data
Unknown	Washington, DC	

**COMPLAINT:** On March 9, 2012, (b) (6), (b) (7)(C) received Hotline Complaint number 2012-097 advising of the existence of potentially classified EPA information on the internet.

**BACKGROUND:** (b) (6), (b) (7)(C) reported that while engaged in online research (b) (6), (b) (7)(C) located an EPA document titled "Draft/Confidential" on an EPA.gov hosted site. Based on the information contained in the report and the title (b) (6), (b) (7)(C) reported this information to the EPA Office of Inspector General through the OIG Webcomment site.

**INVESTIGATIVE FINDINGS:** On March 9, 2012, (b) (6), (b) (7)(C) forensically obtained a copy of the EPA document titled "Draft/Confidential" located on an EPA.gov hosted web site. (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) reviewed the document which was titled *Managed Desktop Services and Support (MDSS) Statement of Work*. The review determined that the document was a statement of work for help desk support services for EPA's Office of Environmental Information (OEI), Office of Technology Operations and Planning (OTOP).

Contact was made with (b) (6), (b) (7)(C) EPA, Washington, DC. Both individuals advised that a MDSS statement of work was recently released by EPA contracting for solicitation and that the statement of work was not classified. (b) (6), (b) (7)(C) asked to view the statement of work OIG had obtained before confirming the "Draft/Confidential" document was the same document and therefore not classified.

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Page 1

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Bliss, following National Security Information (NSI) guidelines, couriered the document to (b) (6), (b) (7)(C) for (b) (6) review. (b) (6), (b) (7), upon review, confirmed that the document was the OTOP statement of work and that the document was not a classified document marked at the confidential level.

**RECOMMENDATION:** Based on the results of the investigative activity and the confirmation that the document posted on the internet was not a classified document, the Complaint was determined to be unfounded. This Complaint will be closed at this time.

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Page 2

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
OFFICE OF INSPECTOR GENERAL

DATE: March 16, 2016

PREPARED BY: (b) (6), (b) (7)(C)

CASE #: OI-AT-2015-ADM-0062

CROSS REFERENCE #:

TITLE: (b) (6), (b) (7)(C), GS-14, (b) (6), (b) (7)(C)

CASE CLOSING REPORT

Subject(s)	Location	Other Data
(b) (6), (b) (7)(C)	(b) (6), (b) (7)(C)	(b) (6), (b) (7)(C)

**VIOLATIONS:**

18 U.S.C. §1905 – Disclosure of confidential information generally

40 CFR §2.211 – Safeguarding of Business Information

EPA Policy 2155.3 – Records Management Policy

EPA Region 4, Regional Directive: R4 2160.4 – Procedures for Handling Confidential Business Information (CBI)

**ALLEGATIONS:**

(b) (6), (b) (7)(C) released, without authorization, CBI belonging to Great Lakes Dredge and Dock Company, LLC (GLDD)

**FINDINGS:**

On February 20, 2015, pursuant to an official request for information, the U.S. Army Corps of Engineers (COE) provided EPA with confidential business information (CBI) information, via email, related to its (COE) Port of Miami dredging project. The information was provided in the form of a letter (#S-0050) from Great Lakes Dredge and Dock Company, LLC (GLDD) to COE dated 02/16/2015 and partially titled "...Miami Harbor Deeping (Phase 3)...Disposal of Excavated Material and Data Reporting Concern." The footer on each page of the GLDD letter clearly identified the information contained in the document as CBI. In addition, the COE included a cover letter for the document which directed EPA not to release the GLDD information outside EPA without the consent of GLDD. The COE correspondence was directed

RESTRICTED INFORMATION

Page 1

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to (b) (6), (b) (7)(C)

(b) (6), (b) (7) forwarded the information to parties within EPA Region 4, to include (b) (6), (b) (7)(C)

On February 26, 2015, pursuant to a verbal request, (b) (6), (b) (7)(C) released, via email, several documents to the Florida Department of Environmental Protection (DEP) related to the Port of Miami dredging project. Included in these documents were the previously described CBI.

Evidence obtained during the EPA-OIG investigation supported a conclusion that (b) (6), (b) (7)(C) failed to comply with regulations and procedures related to the handling of CBI by releasing, without authorization, CBI obtained under the regulatory authority of EPA, to DEP. This unauthorized release resulted in the CBI being placed on DEP's publicly accessible website as well as the direct release of the CBI by DEP to an environmental organization under the State of Florida "Sunshine Law." COE/GLDD is involved in civil litigation with this organization over activities related to the Miami Harbor dredging project.

During EPA-OIG interview, (b) (6), (b) (7)(C) admitted to intentionally releasing the GLDD information to the Florida Department of Environmental Protection (DEP), but denied any knowledge that the information was classified as CBI. When confronted with the fact that every page of the GLDD document was clearly identified as CBI, (b) (6), (b) (7)(C) reported that (b) (6), (b) (7)(C) "didn't appreciate the importance" of the GLDD notifications and assumed (b) (6), (b) (7)(C) release was justified because DEP was another regulatory agency.

#### DISPOSITION:

The result of this investigation was presented to AUSA Alana Black, Northern District of Georgia, for prosecutorial consideration. Criminal prosecution of (b) (6), (b) (7)(C) related to the disclosure of CBI (18 USC 1905) was declined. (b) (5), (b) (7)(E)

This investigation was then referred to Region 4 officials for review and administrative action deemed appropriate. As a result of the EPA-OIG investigation, (b) (6), (b) (7)(C) was issued a letter of warning for policy violation related to the mishandling of CBI. Additionally, (b) (6), (b) (7)(C) was directed to review the EPA policy related to the handling of CBI as well as complete a formalized training course related to this subject.

This concluded all pending actions and this investigation will be closed.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

OFFICE OF  
INSPECTOR GENERAL

December 18, 2017

**MEMORANDUM**

**SUBJECT:** Office of Inspector General Hotline Complaint 2018-0097

(b) (6), (b) (7)(C)

**FROM:**

Special Agent, Hotline Manager  
Headquarters, Office of Inspector General

**TO:**

Patrick Sullivan  
Assistant Inspector General  
Office of Investigations

The Environmental Protection Agency (EPA), Office of Inspector General (OIG), Hotline received a forwarded electronic message detailing an allegation that there was an unauthorized access to the EPA Administrator's travel records. This allegation is being forwarded to the Office of Professional Responsibility.

Please inform the Hotline upon the completion of this assignment so that it can be closed. If you have any further questions, please call me (202) 566-2576.

Attachment:



(b) (6), (b) (7)

From: Sullivan, Patrick F.  
Sent: Friday, December 15, 2017 6:53 PM  
To: (b) (6), (b) (7)(C)  
Cc: (b) (6), (b) (7)(C)  
Subject: Alleged Unauthorized Access of Administrator's Concur Travel Records

(b) (6),

Thank you for informing me about the allegation that an unknown person or person(s) has accessed Administrator Scott Pruitt's official EPA Concur travel records without authorization, and then provided these records to the Associated Press and the Washington Post. Furthermore, you informed me that you believe the unauthorized disclosure of the Administrator's travel records presents a risk to his safety and security, and a risk to the safety and security of the special agents assigned to the Protective Service Detail. You also said you believe the unauthorized access of these records, and the subsequent unauthorized disclosure, may be a violation of Federal criminal law, as well as a violation of EPA policy.

In addition, you said that you may have more information to provide, and I told you that I would get back to you concerning the next steps that the OIG will take.

The situation that you have reported to me is a potential violation of EPA policy and may also be a violation of 18 USC 1030, Unauthorized Access to a Government Computer System, as well as other statutes. It is within the jurisdiction of the OIG to investigate this allegation.

I am forwarding your information to the OIG Hotline to open a formal complaint.

Special agents assigned to the OIG Office of Professional Responsibility (OPR) will probably need to conduct a formal interview with you in the near future to gather more detailed information.

Thank you,

*Patrick F. Sullivan*

Assistant Inspector General for Investigations

EPA Office of Inspector General

Desk: (202) 566-0308

Cell: (b) (6), (b) (7)(C)

FAX: (202) 566-0814

Email: [sullivan.patrick@epa.gov](mailto:sullivan.patrick@epa.gov)

To report fraud, waste or abuse impacting EPA, please contact the EPA OIG Hotline via telephone numbers 202-566-2476 or 888-546-8740, fax 202-566-2599, or email at [oig\\_hotline@epa.gov](mailto:oig_hotline@epa.gov)

To report threats directed against EPA employees, contractors, facilities and assets, please email [report.EPA.threats@epa.gov](mailto:report.EPA.threats@epa.gov)





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

OFFICE OF CHEMICAL SAFETY  
AND POLLUTION PREVENTION

AUG 28 2014

MEMORANDUM

SUBJECT: Release of Confidential Business Information (b) (6), (b) (7)(C)

FROM: (b) (6), (b) (7)(C)

TO: Arthur A. Elkins, Jr., Inspector General  
Office of Inspector General

The Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) Information security Manual states that when a breach of security occurs it must be reported to the FIFRA Security Office and the Division Director. If the unauthorized person to whom the release was made is not an EPA employee, the Office Director must notify the EPA Inspector General, who may decide to conduct an investigation.

Pursuant to the procedures set forth in the FIFRA Security Manual, I am informing you of the unintentional disclosure of Green Products Company's confidential business information (CBI) – specifically, (b) (4) [REDACTED] - was inadvertently posted along with the approved labeling for EPA Registration Number 66591-1 to EPA's public website.

On 8/8/14, the Antimicrobials Division received a letter from a consultant for Green Products Company notifying the Agency that an EPA letter dated 9/16/10 disclosed Confidential Business Information (CBI) when the letter was posted to EPA's Pesticide Program Labeling System (PPLS), a public website from which users can view EPA-approved pesticide labeling. Upon receipt of the letter, the (b) (6), (b) (7)(C) [REDACTED], immediately requested that the document be removed from the database. The document was removed less than one hour after the request. According to the procedures specified in the FIFRA Security Manual, on 8/8/14, the PM also notified the (b) (6), (b) (7)(C) [REDACTED], who, that same day, then notified (b) (6), (b) (7)(C) [REDACTED], and the (b) (6), (b) (7)(C) [REDACTED], that a breach had occurred.

Between 8/11/14 and 8/12/14, the (b) (6), (b) (7)(C) investigated the potential breach by examining the 9/16/10 EPA correspondence and interviewing staff. Based on the investigation, it was determined that the CBI breach occurred due to a 2010 change in the Information Technology and Information Management Division's (ITRMD) internal practices associated with PPLS that was not adequately communicated to Antimicrobials Division staff.

For background, most information related to pesticide registrations can be modified only after EPA review. 40 CFR 152.46 was revised on 8/26/96 to allow EPA to issue procedures describing modifications to registration that are permitted by "notification." A notification is a submission from the registrants to make certain modifications to their previously approved product, including labeling, that have no potential to cause adverse effects to the environment. As part of a notification, the registrant must include a certification statement indicating that no other changes have been made to the label other than those specified. Unlike label amendments or new product applications that undergo full EPA review, notifications undergo limited EPA review; EPA responds to both notifications and non-notifications to communicate the outcome of the Agency's review.

When PPLS was launched, only labels that required a full EPA review (i.e., non-notifications) were loaded into the system for public viewing. In 2010, the scope of documents to be loaded into PPLS was expanded to include notifications. At the time the 9/16/10 EPA response to the notification was written, the practice of uploading notifications to PPLS had been adopted by ITRMD but had not been adequately communicated to the Antimicrobials Division staff. As a result, neither the EPA staff who prepared the letter, (b) (6), (b) (7), nor (b) (6), (b) (7)(C) signed the letter was aware that the correspondence containing CBI would be posted to PPLS.

In 2011, the Antimicrobials Division conducted CBI training to ensure, among other things, that all regulatory staff understood how to modify correspondences to prevent future inadvertent disclosure of CBI. The breach that resulted from the 9/16/10 letter occurred prior to this detailed training and during a point when not all employees were aware of the change in ITRMD practices to post notifications to PPLS. Since then and as recently as 2/6/13, the division has held additional mandatory CBI trainings in coordination with the OPP FIFRA Security Officer. The trainings focused on how to identify CBI, how to prevent violations of the FIFRA Security Manual, and how to avoid CBI breaches. The trainings are held in addition to the annual mandatory training associated with the annual renewal process for CBI access. Additionally, individual mentoring is currently taking place with staff on an ongoing basis to ensure proper procedures are followed to appropriately handle CBI.

Please feel free to contact me if any additional information is required or if I can offer any assistance in this matter.

cc: (b) (6), (b) (7)  
(b) (6), (b) (7)

# MEMORANDUM

**To:** Patrick Sullivan, Assistant Inspector General for Investigations

**From:** (b) (6), (b) (7)(C)

**Date:** September 16, 2014

**Re:** OIG Discretion in Investigating Report of Unauthorized Confidential Business Information (CBI) under the FIFRA

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EPA's Office of Pesticide Programs self-reported an unintentional disclosure of CBI to the OIG on August 28, 2014.

(b)(5) - Attorney/Client

[REDACTED]

[REDACTED]

[REDACTED]



